



Senate

General Assembly

File No. 603

January Session, 2015

Substitute Senate Bill No. 357

Senate, April 13, 2015

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROMOTION OF THE SHELLFISH INDUSTRY IN CONNECTICUT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2015*) (a) There is established the
2 Aquaculture Coordinating Council. Such council shall be composed of
3 the following members: (1) Two appointed by the Governor; (2) one
4 appointed by the speaker of the House of Representatives; (3) one
5 appointed by the president pro tempore of the Senate; (4) one
6 appointed by the majority leader of the House of Representatives; (5)
7 one appointed by the majority leader of the Senate; (6) one appointed
8 by the minority leader of the House of Representatives; (7) one
9 appointed by the minority leader of the Senate; (8) the Commissioner
10 of Agriculture, or the commissioner's designee; and (9) a
11 representative of the Sea Grant Program at The University of
12 Connecticut, as appointed by the chairperson of the program's Senior
13 Advisory Board. Not fewer than three of the appointed members of the
14 council shall be representatives of the state's shellfish industry. The

15 council shall be located in the Agricultural Experiment Station for
16 administrative purposes only.

17 (b) The Aquaculture Coordinating Council shall: (1) Direct the
18 policies and procedures of the Department of Agriculture's Bureau of
19 Aquaculture; (2) develop a plan to expand the shellfish industry in
20 Connecticut; (3) assure the public availability of maps indicating the
21 names of state shellfish bed lessees; (4) review the language of current
22 state shellfish leases and make recommendations to the joint standing
23 committee of the General Assembly having cognizance of matters
24 relating to the environment for any requisite changes to such leases; (5)
25 review health and safety standards pertaining to the state's shellfish
26 industry; and (6) coordinate with other states to further develop the
27 state's shellfish industry.

28 (c) Not later than January 1, 2016, and annually thereafter, the
29 council shall submit a report on the status of the state's shellfish
30 industry and any attendant recommendations to the joint standing
31 committee of the General Assembly having cognizance of matters
32 relating to the environment, in accordance with the provisions of
33 section 11-4a of the general statutes.

34 Sec. 2. (NEW) (*Effective July 1, 2015*) (a) There is established within
35 the Department of Agriculture the Office of Business Ombudsman.
36 Such office shall provide information to businesses on agricultural
37 programs and requirements, including information on permits,
38 licenses and leases of the department and shall coordinate and serve as
39 a liaison between the department and programs affecting businesses.
40 Such office shall be responsible for the receipt of any complaint from
41 any such permittee, licensee or lessee and shall coordinate the efforts
42 of the department to respond and resolve any such complaint in a
43 timely manner.

44 (b) No employee of the Department of Agriculture, nor the
45 Commissioner of Agriculture, shall take or threaten to take any
46 retaliatory action against any permittee, licensee or lessee for any
47 complaint filed with the Office of Business Ombudsman pursuant to

48 subsection (a) of this section.

49 (c) Not later than January 1, 2016, and annually thereafter, the Office
50 of Business Ombudsman shall, in accordance with the provisions of
51 section 11-4a of the general statutes, submit a report to the joint
52 standing committee of the General Assembly having cognizance of
53 matters relating to the environment and to the Aquaculture
54 Coordinating Council, established pursuant to section 1 of this act, on
55 the efforts of such office. Such report shall include, but not be limited
56 to, the number of businesses assisted by the office during the course of
57 the previous calendar year, a description of the type of matters that the
58 office assisted businesses with during the previous calendar year, the
59 number of complaints received by the office during the previous
60 calendar year pursuant to subsection (a) of this section and the
61 disposition of any such complaints, including, but not limited to, the
62 manner in which any such complaint was resolved, the length of time
63 required to resolve such complaint and any reasons for the failure to
64 resolve any such complaint.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	New section
Sec. 2	July 1, 2015	New section

ENV Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Various State Agencies	GF - Potential Cost	Less than 1,000	Less than 1,000
Department of Agriculture	GF - Cost	168,314	176,225
State Comptroller - Fringe Benefits ¹	GF - Cost	65,053	68,111

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Agriculture (DAG) to establish an Office of Business Ombudsman, to: 1) provide information to businesses on agricultural programs and requirements, (2) coordinate and serve as a liaison between the department and all agency-wide programs affecting businesses, and (3) receive and coordinate timely responses to complaints from holders of DAG permits, licenses, and leases.

These requirements would result in costs of \$233,367 in FY 16 and \$244,336 in FY 17 to DAG for an Ombudsman (at a starting salary of (\$97,648 in FY 16) and a Staff Attorney (at a starting salary of \$70,666 also in FY 16) to perform these functions. The ombudsman would spend a significant portion of their time in the field, interacting with permit, license, and lease holders and serving as a liaison between the department and business constituents. The staff attorney would

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.65% of payroll in FY 16 and FY 17.

receive and investigate complaints from permittees, licensees or lessees in an effort to resolve grievances in a timely manner.

Also, the bill establishes an Aquaculture Coordinating Council to direct policies and procedures of the Bureau of Aquaculture. This may result in costs of less than \$1,000 annually to those agencies participating in the task force to reimburse legislators and agency staff for mileage expenses.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 357*****AN ACT CONCERNING THE PROMOTION OF THE SHELLFISH INDUSTRY IN CONNECTICUT.*****SUMMARY:**

This bill establishes a 10-member Aquaculture Coordinating Council and places it in the Agricultural Experiment Station for administrative purposes. Under the bill, the council must, among other things, (1) direct the policies and procedures of the Department of Agriculture's (DoAg) Bureau of Aquaculture and (2) report annually by January 1 to the Environment Committee on the status of the state's shellfish industry.

The bill also establishes the Office of Business Ombudsman within DoAg to (1) provide information to businesses on agricultural programs and requirements, (2) coordinate and serve as a liaison between the department and programs affecting businesses, and (3) receive and coordinate timely responses to complaints from holders of DoAg permits, licenses, and leases. The bill prohibits DoAg employees, including the commissioner, from taking or threatening retaliatory action against anyone who files a complaint.

Lastly, the bill requires the Office of Business Ombudsman to report annually by January 1 to the Environment Committee and the Aquaculture Coordinating Council. The report must include, for the previous calendar year, the (1) number of businesses helped; (2) types of matters with which the office assisted; and (3) number of complaints received and their disposition, including how each was resolved, the time needed to resolve each, and why any were not resolved.

EFFECTIVE DATE: July 1, 2015

AQUACULTURE COORDINATING COUNCIL**Duties**

Under the bill, the Aquaculture Coordinating Council must:

1. direct the policies and procedures of the DoAg Bureau of Aquaculture,
2. develop a plan to expand the state shellfish industry,
3. assure the availability of maps indicating the names of state shellfish bed lessees,
4. review the language of current state shellfish leases and make recommendations to the Environment Committee for any changes,
5. review health and safety standards relating to the state's shellfish industry,
6. coordinate with other states to further develop the state's shellfish industry, and
7. report by January 1 annually to the Environment Committee on the status of the state's shellfish industry and any recommendations.

Membership

The council is made up of (1) the DoAg commissioner, or his designee; (2) a representative of the UConn Sea Grant Program appointed by the program's Senior Advisory Board chairperson; (3) two members appointed by the governor; and (4) six other appointees, one appointed by each of the legislative leaders. At least three of the appointed members must represent the state's shellfish industry.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 26 Nay 3 (03/25/2015)